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REPORT OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

Argentina, Armenia, Australia, Belarus, Belgium, Bulgaria, Cambodia, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kuwait, Latvia, Lithuania, Luxembourg, Marshall Islands, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

The General Assembly,

Having received, the report of the International Atomic Energy Agency to the General Assembly for the year 1995, 1/

Noting the statement of the Director General of the International Atomic Energy Agency of 28 October 1996, 2/ in which he provided additional information on the main developments in the activities of the Agency during 1996,

Recognizing the importance of the work of the Agency in promoting the further application of nuclear energy for peaceful purposes as envisaged in the statute of the Agency and in accordance with the inalienable right of States

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1/ International Atomic Energy Agency, The Annual Report for 1995 (Austria, July 1996) (GC40/8); transmitted to the members of the General Assembly by a note by the Secretary-General.

2/ Appropriate reference to the official records of the General Assembly.

parties to the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant internationally legally binding agreements that have concluded relevant safeguards agreements with the Agency to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty, with other relevant articles and with the objectives and purposes of the Treaty,

Conscious of the importance of the work of the Agency in the implementation of the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and other international treaties, conventions and agreements designed to achieve similar objectives, as well as in ensuring, as far as it is able, that the assistance provided by the Agency or at its request or under its supervision or control is not used in such a way as to further any military purpose, as stated in article II of its statute,

Reaffirming that the Agency is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, and also reaffirming that nothing should be done to undermine the authority of the Agency in this regard and that States parties that have concerns regarding non-compliance with the safeguards agreement of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate,

Noting the statement by the President of the fortieth session of the General Conference of the Agency, issued under item 23, Application of IAEA safeguards in the Middle East, that:

> "The General Conference requests the Director General to invite experts from the Middle East and other areas to a technical workshop on safeguards, verification technologies, and related experience. It calls on the Director General to commence with preparations, in consultation with the parties concerned, with a view to developing an agenda and modalities that would help ensure a successful workshop",

Again stressing the need for the highest standards of safety in the design and operation of nuclear installations and in peaceful nuclear activities so as to minimize risks to life, health and the environment,

Considering that an expansion of technical cooperation activities relating to the peaceful uses of nuclear energy will contribute to the well-being of the peoples of the world, recognizing the special needs of the developing countries for technical assistance from the Agency and the importance of funding in order to benefit effectively from the transfer and application of nuclear technology for peaceful purposes as well as from the contribution of nuclear energy to their economic development, and desiring that the Agency's resources for technical cooperation activities be assured and sufficient,

Recognizing the importance of the work of the Agency on nuclear energy, applications of nuclear methods and techniques, nuclear safety, radiological protection and radioactive waste management, including its work directed towards assisting developing countries in all these fields,

Taking note of the report of the Director General to the General Conference 3/ on the developments related to the nuclear-weapons programme of Iraq, of his reports on the Agency's twenty-eighth and twenty-ninth on-site inspections in Iraq 4/ and of resolution GC(40)/RES/21 of 20 September 1996 of the General Conference,

Taking note of resolutions GOV/2711 of 21 March 1994 and GOV/2742 of 10 June 1994 of the Board of Governors and GC(40)/RES/4 of the General Conference of the International Atomic Energy Agency in connection with the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, the statements of the President of the Security Council of 31 March, 30 May and 4 November 1994 and the Board of Governors' authorization, on 11 November 1994, to the Director General, to carry out all the tasks requested of the Agency in the statement by the President of the Security Council of 4 November 1994,

Bearing in mind resolutions GC(40)/RES/2 on a nuclear-weapon-free zone in Africa, GC(40)/RES/10 on the Convention on Nuclear Safety, GC(40)/RES/11 on a convention on the safety of radioactive waste management, GC(40)/RES/12 on measures to resolve international radioactive waste management issues: establishing predisposal waste demonstration centres, GC(40)/RES/13 on the strengthening of the Agency's technical cooperation activities, GC(40)/RES/14 on a plan for producing potable water economically, GC(40)/RES/15 on extensive use of isotope hydrology for water resources management, GC(40)/RES/16 on strengthening the effectiveness and improving the efficiency of the safeguards system, GC(40)/RES/17 on measures against the illicit trafficking in nuclear material and other radiation sources, GC(40)/RES/18 on the staffing of the Agency's secretariat, GC(40)/RES/20 on the amendment of article VI of the Statute relating to the membership of the Board of Governors, GC(40)/RES/21 on the implementation of relevant Security Council resolutions relating to Iraq, and GC(40)RES/22 on application of Agency safeguards in the Middle East, adopted on 20 September 1996 by the General Conference of the Agency at its fortieth regular session,

Noting the statement by the President of the fortieth session of the General Conference of the Agency issued under item 19 (b), Composition of regional groups, that:

"The General Conference takes note of the report of the Director General on the composition of regional groups under the agenda item entitled

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3/ GC(40)/13.

4/ GOV/INF/781 and 783.

"Amendment of article VI of the Statute, as contained in the attachment to GC(40)/11. It reiterates the principle of the sovereign equality of all member States of the Agency, as provided for in article IV.C of the Statute. It affirms that this principle requires that each member State of the Agency be within one of the areas listed in article VI.A.1 of the Statute. Recalling draft resolution (39)/COM.5/10 (19 September 1995) and resolution GC(39)/RES/22 (22 September 1995), the Conference requests that the Chairman of the Board of Governors consult with member States not yet listed in a regional area, as well as with other member States, including representatives of the regional areas, and that he report for consideration at the forty-first session of the General Conference specific proposals to include each member State within the appropriate area at the time of the Conference in September 1997",

Bearing in mind resolution GC(40)/RES/17 on measures against illicit trafficking in nuclear materials and other radioactive sources, recognizing the importance of measures against illicit trafficking of nuclear material and, in this regard, further recognizing the importance of the programme for preventing and combating illicit trafficking in nuclear material, agreed upon by the participants in the Moscow Nuclear Safety and Security Summit of April 1996,

Also bearing in mind resolution GC(40)/RES/19 on women in the secretariat adopted on 20 September 1996 by the General Conference of the Agency, calling on the Director General to further integrate the Platform of Action developed at the Fourth World Conference on Women into the Agency's relevant policies and programmes,

1. Takes note of the report of the International Atomic Energy Agency;

2. Affirms its confidence in the role of the Agency in the application of nuclear energy for peaceful purposes;

3. Welcomes the measures and decisions taken by the Agency to maintain and strengthen the effectiveness and cost efficiency of the safeguards system in conformity with the Agency's statute, in particular, welcomes the establishment by the Board of Governors of a committee which began its work in July 1996 and is tasked with the drafting of a model protocol in order to strengthen the effectiveness and to improve the efficiency of the nuclear safeguards system and thereby reinforce and improve the Agency's capacity to detect any undeclared nuclear activities, and calls upon this committee to make every effort to bring its work to a successful conclusion at the earliest possible date;

4. Urges all States to strive for effective and harmonious international cooperation in carrying out the work of the Agency, pursuant to its statute; in promoting the use of nuclear energy and the application of the necessary measures to strengthen further the safety of nuclear installations and to minimize risks to life, health and the environment; in strengthening technical assistance and cooperation for developing countries; and in ensuring the effectiveness and efficiency of the safeguards systems of the Agency;

5. Also welcomes the measures and decisions taken by the Agency to strengthen and fund its technical cooperation activities which should contribute

to achieving sustainable development in developing countries, and calls upon States to cooperate in implementing the measures and decisions pursuant thereto;

6. Commends the Director General and the secretariat of the Agency for their continuing, impartial efforts to implement the safeguards agreement still in force between the Agency and the Democratic People's Republic of Korea, including their efforts to monitor the freeze of specified facilities in the Democratic People's Republic of Korea as requested by the Security Council, expresses concern over the continuing non-compliance of the Democratic People's Republic of Korea with the safeguards agreement, and urges the Democratic People's Republic of Korea to cooperate fully with the Agency in the implementation of the safeguards agreement and take all steps the Agency may deem necessary to preserve all information relevant to verifying the accuracy and completeness of the initial report of the Democratic People's Republic of Korea on the inventory of nuclear material subject to safeguards until the Democratic People's Republic of Korea comes into full compliance with its safeguards agreement;

7. Also commends the Director General of the Agency and his staff for their strenuous efforts in the implementation of Security Council resolutions 687 (1991) of 3 April, 707 (1991) of 15 August and 715 (1991) of 11 October 1991, and while noting that Iraq has adopted over the last twelve months a more constructive approach, expresses concern that Iraq failed to provide immediate access on 7 July 1996 to the Agency's Action Team and that it has previously withheld from the Agency information about its nuclear weapons programme in violation of its obligations under relevant Security Council resolutions, and in this context stresses the need for Iraq to cooperate fully with the Agency to resolve the remaining inconsistency concerning the full, final and complete declaration in achieving the implementation of the relevant Security Council resolutions, and stresses that the Agency's Action Team will continue to exercise its right to investigate further any aspects of the past nuclear weapons capability of Iraq, in particular as regards any further relevant information necessary to complete the record of the nuclear weapons programme of Iraq that it may still be withholding from the Agency;

8. Welcomes the entry into force on 24 October 1996 of the Convention on Nuclear Safety and appeals to all States to become parties to it so that it obtains the widest possible adherence and expresses its satisfaction that a preparatory meeting of the contracting parties will be convened at a date to be agreed upon, but not later than April 1997;

9. Welcomes the measures taken by the Agency in support of efforts to prevent illicit trafficking in nuclear materials and other radioactive sources and, in this context, calls upon other States to join the programme for preventing and combating illicit trafficking in nuclear material agreed upon by the participants at the Moscow Nuclear Safety and Security Summit of April 1996;

10. Takes note with appreciation of the work of the open-ended Group of Technical and Legal Experts on a Convention on the Safety of Radioactive Waste Management established by the Board of Governors of the Agency and expresses the hope that the outstanding issues will be resolved in a spirit of compromise so

as to allow timely completion of the preparatory work and adoption of a convention in the near future;

11. Notes with satisfaction the substantial progress achieved in the negotiations to strengthen the international regime of liability and compensation for damage arising from a nuclear incident, in particular, by amending the 1963 Vienna Convention on Civil Liability for Nuclear Damage as well as by adopting a convention on supplementary compensation and expresses the hope that the diplomatic conference for that purpose will soon be convened;

12. Requests the Secretary-General to transmit to the Director General of the Agency the records of the fifty-first session of the General Assembly relating to the activities of the Agency.